

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., and	)	
NICE SYSTEMS, LTD.,	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 06-311-JJF
	)	
WITNESS SYSTEMS, INC.,	)	
	)	
Defendant.	)	

**NICE SYSTEMS LTD.'S AND NICE SYSTEMS INC.'S IDENTIFICATION  
OF WITNESS' CORE RECORDING PRODUCTS ACCUSED OF INFRINGEMENT**

In its Order dated December 14, 2007 (D.I. 280), the Court ordered NICE Systems, Inc. and NICE Systems Ltd. (collectively "NICE") to identify the core recording products that will be at issue before the jury. For trial, NICE identifies four accused core recording products: Balance, ContactStore, ContactStore for IP and ContactStore for Communication Manager, all of which have been sold separately or in combination under the brand names eQuality and Impact 360 by Witness Systems, Inc. ("Witness") or sold through a partner or a reseller. As set forth in NICE's letter to the Court dated December 13, 2007 (D.I. 273), from the standpoint of the asserted claims, each of these core products share the same or very similar components and technology. The core recording products also include peripheral components such as end user viewing and archiving components. Each of the four core recording products is identified in detail below, and NICE accuses as infringing all versions of these products which were made, used, offered for sale, or sold by Witness during the relevant time period for each of the patents-in-suit.

**I. First Core Recording Product - Balance**

“Balance” refers to the following quality monitoring solutions made, used, offered for sale, or sold by Witness: Balance (including at least versions 5.2.8–7.7.1), which was re-branded Impact 360 Quality Monitoring.

**II. Second Core Recording Product - ContactStore**

“Contactstore” refers to the following compliance recording solutions made, used, offered for sale, or sold by Witness under the follow brand names: Impact 360 Compliance Recorder (including at least versions 7.6.0-7.7.1) (TDM implementation), ContactStore (including at least versions 7.0.0–7.2.4), Nortel TDM Recorder, Nortel Quality Monitoring (TDM implementation) and ContactStore Plus.<sup>1</sup>

**III. Third Core Recording Product - ContactStore for IP**

“ContactStore for IP” refers to the following VOIP compliance recording solutions made, used, offered for sale, or sold by Witness under the follow brand names: Impact 360 Compliance Recorder (including at least versions 7.7.0-7.7.1) (IP implementation), ContactStore IP (including at least versions 7.1–7.4.2), ContactStore IP Plus, Nortel Contact Recording IP, and Nortel Quality Monitoring IP.

**IV. Fourth Core Recording Product - ContactStore for Communication Manager**

“ContactStore for Communication Manager” refers to the following VOIP recording solutions made, used, offered for sale, or sold by Witness: ContactStore for Communication Manager (including at least versions 7.2–7.7), which was recently re-branded as Impact 360 Compliance Package, and Quality for Communication Manager (including at least versions 5.3.0–5.4.3), which uses the same recorder as the Contactstore for Communication Manager and was re-branded as Impact 360 Quality Monitoring Package.

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<sup>1</sup> “ContactStore” is Witness’ TDM recorder which it acquired in 2003. At that time, the TDM recorder was based both on propriety hardware and software recorder and, in 2005, was converted to solely a proprietary software product, marketed today as the Impact 360 compliance recorder. Although employees of Witness have testified to the contrary, to the extent that Witness asserts its Impact 360 Compliance Recorder (TDM/IP) is not the same core recording product as Contactstore and Contactstore for IP, the Impact 360 compliance recorder (versions 7.6.0-7.7.1) would be a fifth core recording product. It consists of a proprietary software solution that works on non-proprietary off-the-shelf personal computers.

Respectfully submitted,

YOUNG CONAWAY STARGATT & TAYLOR, LLP

*/s/ Melanie K. Sharp*

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Dated: December 17, 2007

**CERTIFICATE OF SERVICE**

I, Melanie K. Sharp, Esquire, hereby certify that on December 17, 2007, I caused to be electronically filed a true and correct copy of the foregoing document, NICE Systems, Ltd.'s and NICE Systems Inc.'s Identification of Witness' Core Recording Products Accused of Infringement, with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on December 17, 2007, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

**BY E-MAIL**

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